



TECHNICAL BULLETIN

July 13, 2020
Supersedes June 22, 2020

Allowable Potency Variance in Packaging of Marijuana-infused Products

The intent of this technical bulletin is to provide clarification on the allowable potency variance.

Rule 4 of the Marijuana-Infused Products and Edible Marijuana Product Rule Set - (R 420.404)

A marijuana sales location shall not sell or transfer marijuana-infused products that exceed the maximum THC concentrations established by the agency by more than 10%.

The allowable variation for potency (Delta-9-THC concentration) between the actual results and the intended package or serving is to not to exceed 10%. The **label** of the package CANNOT exceed the [maximum THC limits](#) established by the agency.

This potency variance of 10% will also apply to the total Delta-9-THC in infused edible products contained in a package in comparison to the printed packaging label. The allowable 10% variance for total Delta-9-THC in a 'container' will use the printed packaging label as the intended target and the median for calculation purposes.

Examples:

Target Delta-9-THC mg (Package Label)	Lowest Level of Delta-9-THC in Package Allowed	Highest Level of Delta-9-THC in Package Allowed
50	45	55
100	90	110
150	135	165
200	180	220

Laboratories should complete potency testing based on the information provided by the processors at the time of the sampling event.

If a product is sampled as an individual dosage/serving, the facility will report Delta-9-THC in total milligrams (mg) per dose/serving.

If the product is sampled as a finished package, the facility will report the total Delta-9-THC in milligrams (mg) per package.

This technical bulletin does not constitute legal advice and is subject to change. It is intended to provide a technical clarification only to the Marijuana Regulatory Agency's Administrative Rules. Licensees are encouraged to seek legal counsel to ensure their operations comply with the Administrative Rules.



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It is not mandatory for laboratories to sample products in final packaging, although, the products must be in final form. This means the samples must be ready for final packaging, but it does not mean in final packaging prior to sampling. See examples below:

- Vape cartridges must be in the cartridges for use, but do not have to be boxed for sale
- Capsules must be in the capsule form used for consumption, but do not have to be in individual jars or bottles

It is not incumbent on the laboratory to determine if the product will meet the package labeling requirements. The laboratory testing results provided on the package will report potency as the product was submitted for testing and is not required to replicate the processor-designated package label for Delta-9-THC. The processor-designated package label will be considered the target Delta-9-THC.

Questions can be sent to the Operations Support Section via email at
MRA-Compliance@michigan.gov.

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